



COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL

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RAYMOND G. FORTNER, JR.
County Counsel

November 4, 2008

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Agenda No. 12

10/28/08

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT NUMBER 200700137
FIFTH SUPERVISORIAL DISTRICT/ THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the Regional Planning Commission's approval of the above-referenced conditional use permit which proposes an ethanol refinery in the Lancaster Zoned District. At the completion of the hearing you indicated an intent to approve the conditional use permit with revised conditions and instructed us to prepare findings and conditions for approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/gl

Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT NUMBER 200700137**

1. The Los Angeles County Regional Planning Commission ("Commission") previously conducted a noticed public hearing on July 23, 2008, on the matter of Conditional Use Permit ("CUP") Number 2007001375.
2. The subject property is located at 580 East Avenue F in the Lancaster Zoned District. The subject property is relatively flat, 10 acres in size, and currently vacant. The property is adjacent to the Lancaster Landfill. The proposed facility would be sited on the south side of East Avenue F between Division Street and Challenger Way.
3. This applicant requests a CUP for the construction, operation, and maintenance of an ethanol refinery. The refinery will produce ethanol through the conversion of 170 tons per day of cellulosic material in the form of source-separated solid waste from the neighboring landfill and other local sources. The applicant indicated that the proposed facility will accept cellulosic waste material from curbside and commercial green and wood waste collection, which is currently being delivered to the adjacent Lancaster Landfill.
4. The applicant indicated that the project will provide innovation in alternative fuels, assist in reducing the region's dependence on fossil fuels, and provide a fuel source with less greenhouse gas emissions than traditional fossil fuels.
5. The subject property is zoned D-2 (Desert Mountain) and is located in the Lancaster Zoned District.
6. Surrounding zoning consists of D-2 to the north, south, east and west.
7. Surrounding land uses consist of vacant parcels to the north, south, and west. The Lancaster Landfill is situated to the east.
8. This project is functionally, aesthetically, and in relation to environmental impacts similar to a brewery, which is a use allowed by permit in the M-1 zone. Pursuant to section 22.32.090 of the County Code, premises in Zone D-2 will be subject to all the conditions and requirements of premises in Zone A-2 (22.24.120) and Zone M-1 (22.32.040).
9. The subject property is designated as R (Non-urban) in the Countywide General Plan. The proposal is consistent with the stated goals and policies of the Los Angeles County General Plan, including policies promoting more effective recycling and reuse of resources; promoting the development and use of new

and improved waste management technology; promoting a land use arrangement that will maximize energy conservation; supporting the conservation of energy and resources and encouraging the development of new energy sources; and creating jobs and increasing incomes for County of Los Angeles' ("County") residents.

10. Specifically, the project would promote a more effective recycling and reuse of resources and would promote the development and use of new and improved waste management technology (Policy G-5, No. 20 and No. 26). The project will promote a land use arrangement that will maximize energy conservation (Policy LU-7, No. 22). The project will also support the conservation of energy and resources and encourage the development of new energy sources (Policy OS-9, No. 2). Finally, the project would create jobs and increase incomes for County residents. These benefits of the project are stated goals of the Countywide General Plan.
11. This project will implement a Conversion Technology process, which is defined by the Los Angeles County Department of Public Works ("Public Works") as a mechanical, biological, chemical, or thermal process, other than incineration, capable of converting biomass and waste feedstock into useful products and chemicals; green fuels such as hydrogen, natural gas, ethanol, and biodiesel; and clean, renewable energy such as electricity.
12. The project will be a Conversion Technology facility, which is defined by Public Works as a facility utilizing one or more conversion technology process to manage source-separated solid waste or other waste feedstocks as approved by the County.
13. In order to maintain the benefits of Conversion Technology and not divert potential food supply to biofuel production, the project proposes to restrict and must continue to restrict feedstock to cellulosic waste products.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Los Angeles County Code, the community was appropriately notified of the public hearing by mail, newspaper, and property posting. The Commission received testimony both in opposition to and in favor of the proposal.
15. The Commission voted three to zero to approve the proposal. The approval was timely appealed to the Board of Supervisors ("Board").
16. Prior to the Board's public hearing on the project, a public information meeting was held in the community to allow interested parties an opportunity to ask questions and to make informal comments on the proposal. County representatives, representatives of the applicant, and others made presentations

regarding the proposal and/or were available to answer questions regarding the project. Interested persons made comments regarding the proposal during this meeting. A transcript of the comments received at the public information meeting was made available to the Board in advance of its public hearing.

17. The Board conducted its duly noticed public hearing on the appeal of the Commission's approval of the project on October 28, 2008. The Board heard testimony both in opposition and in support of the proposal.
18. Opposition testimony was received from the owner of the undeveloped property located adjacent to the subject property. The owner expressed concern that the project would have an adverse impact on the value of the adjacent property by limiting its future uses, because of decreased interest by potential future purchasers, and because of potential odors, fumes, and the storage of dangerous chemicals. The owner indicated that he was willing to discuss a purchase of his property by the applicant, but that the applicant had not made a sufficient purchase offer to date.
19. Opposition testimony also suggested that the mitigated negative declaration is inadequate and that an environmental impact report should be prepared; that the proposed facility is an experimental, unproven technology; and that the proposal will have adverse traffic and air quality impacts.
20. Support testimony highlighted the critical need to create sources of alternative fuels in order to address upcoming low carbon fuel standards to help reduce greenhouse gas emissions, to help reduce air pollution, and to aid efforts to achieve energy independence. Testimony indicated that the proposal had received support from federal and state elected officials as well as from state and federal regulatory agencies. Testimony indicated the project would not have adverse traffic impacts since the feedstock source would arrive on trucks already bound for the adjacent landfill. The applicant would be required to obtain permits for authority to construct as well as to operate the facility from the Southern California Air Quality Management District to ensure that the project would not have adverse air quality impacts. County staff confirmed that appropriate fire mitigation measures had been developed, including those relating to fire suppression and life safety systems. A biological survey, cultural survey, visual analysis, hazardous risk analysis, and air analysis were also done in order to either confirm the lack of a significant impact or to identify appropriate mitigation measures.
21. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Commission determined that it is necessary to limit the term of the grant to 20 years plus a 10-year renewal based upon the Director's determination that the use has been conducted in conformance with these conditions and is in compliance with all applicable laws and regulations.

22. The Department conducted an initial study on the proposal and determined that with the inclusion of specified mitigation measures, it could be determined with certainty that the project would not have a significant adverse impact on the environment. The applicant agreed to the inclusion of the identified mitigation measures which addressed the topics of traffic, fire protection, noise, water quality, air quality, biota, archaeological/historical/paleontological resources, utilities and other services, environmental safety, and general environmental issues. A mitigated negative declaration was prepared for the project and made available for public review in compliance with the California Environmental Quality Act ("CEQA").
23. The Board found that the mitigated negative declaration for the project was prepared in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Board found that with the inclusion of the identified mitigation measures, it could be seen with certainty that the project would not have a significant adverse impact on the environment. The Board found that the mitigated negative declaration reflects the independent judgment of the Board as to the environmental impacts of the project. At the conclusion of its hearing, the Board approved the mitigated negative declaration.
24. The Board finds that the mitigation monitoring program which is included with the enclosed conditions is adequately designed to ensure compliance with the mitigation measures during project implementation pursuant to Public Resources Code section 21081.6.
25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

That the proposed use is consistent with the adopted general plan for the area;

- A. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;

- B. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- C. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Indicates that at the conclusion of its hearing on this proposal it found that the mitigated negative declaration prepared for the project had been prepared in compliance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines; adequately addressed the environmental consequences of the project and reflected the independent judgment of the Board; and adopted the mitigated negative declaration.
- 2. Approves the mitigation monitoring program, which is included with the enclosed project conditions, finding that pursuant to Public Resources Code section 21081.6, that the mitigation monitoring program is adequately designed to ensure compliance with the mitigation measures during project implementation.
- 3. Approves Conditional Use Permit No. 200700137, subject to the attached conditions.

CONDITIONS OF APPROVAL
PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT NUMBER 200700137

This grant authorizes an ethanol refinery using 170 tons per day of cellulosic material in the form of source-separated solid waste from local sources, subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 9, 10, 36 and 43.
3. The permittee shall defend, indemnify, and hold harmless the County of Los Angeles ("County"), its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall, within 10 days of the filing, pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Los Angeles County Code section 2.170.010.

5. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant will terminate on November 12, 2028. Upon written application of the permittee, made no less than six months prior to July 23, 2028, the term of this grant may be extended by the Director of the Department ("Director") for a period not to exceed 10 years, as provided herein below. The Director shall grant such extension unless it finds one of the following: (1) that the permittee has failed to adhere to the conditions of approval and such failure has not been timely corrected upon written notice thereof; and (2) that the use is not in compliance with all applicable laws and regulations. If either of the foregoing findings is made by the Director, the extension may be denied.

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department. The application shall be a request for a continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

If the term of the grant is extended, additional monies sufficient to provide for additional biennial inspections shall be deposited with the County for the added term of the grant. The amount due for such inspections shall be the amount equal to the recovery cost at the time of payment. The inspections shall be unannounced.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the

permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County the sum of \$3,000. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for 20 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150 per inspection, or the current recovery cost, whichever is greater.

10. Within fifteen (15) calendar days of the effective date of this grant, the permittee shall remit required fees of \$1,926.75 (\$1,876.75 Fish and Game fee, \$50 processing fee) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code and section 711.4 of the Fish and Game Code, to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety, or so as to be a nuisance.
12. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works ("Public Works").

15. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that was approved by the Department. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A," on file with the Department. If changes to the site plan have been required as a result of instruction given at the public hearings, a revised Exhibit "A" shall be submitted to the Department within 60 days of the date of approval for the conditional use permit.
18. The boiler of the facility shall be equipped with a selective catalytic reduction system to comply with emission requirements.
19. All truck traffic associated with the shipping of ethanol, gypsum, and chemical supplies will take place during non-peak traffic conditions, as identified by the County.
20. Light levels shall conform to those required by Cal/OSHA and all lights will be shielded to minimize stray light emissions from the site.
21. The permittee shall provide parking spaces equal in number to the maximum number of employees on site at any given shift plus the number of vehicles maintained on-site as part of the operation. In addition, the permittee shall provide one handicap parking space per 40 spaces provided.
22. The permittee shall be prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the facility until the required or revised permit is obtained from Public Works. The activities covered include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this condition, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
23. The permittee shall comply with the requirements of the Drainage Concept/Standard Urban Stormwater Mitigation Plan ("SUSMP")/Hydrology

Study, which was conceptually approved on March 26, 2008, to the satisfaction of Public Works, unless Public Works determines that such plan is unnecessary.

24. The Los Angeles County Building Code, section 110.3, requires that a building or structure located on or within 1,000 feet (304.8 m) of a landfill containing decomposable material must be protected against landfill gas intrusion. The permittee must submit a methane gas mitigation plan to Public Works and obtain necessary permits to include subsurface lateral migration of landfill gas, migration detection, and control and protection systems for affected enclosed buildings and structures.
25. The permittee is required to recycle or reuse 50 percent of the construction and demolition debris generated per the County's Construction and Demolition Debris Recycling and Reuse Ordinance. A recycling and reuse plan must be submitted to and approved by Public Works before a construction, demolition, or grading permit may be issued.
26. The permittee shall provide to Public Works a detailed plan that specifies the quantities and characteristics of all products, by-products, and discharges (solid, liquid, and gas) generated by the project, as well as the intended final destinations for said materials.
27. To publicize the viability of the permittee's technology, the permittee shall coordinate with Public Works to share information to interested stakeholders, including conducting pre-arranged public tours.
28. The permittee must provide the following to the Mapping and Property Management Division of Public Works:
 - a. Make an offer of future right-of-way, 28 feet from centerline (easterly property line), on 5th Street East and provide a nonexclusive easement over the future right-of-way for access purposes;
 - b. Provide a drainage statement/letter as part of the offer of future right-of-way;
 - c. Dedicate or offer to the County slope and drainage easements along 5th Street East, as applicable, to the satisfaction of Public Works. Site grading shall be compatible with the future street; and
 - d. Provide a property line return radius of 13 feet at the intersection of Avenue F and 5th Street East plus additional right-of-way for corner cut-off to the satisfaction of Public Works.
29. Avenue F has been removed as a major highway from the County Highway Plan. However, Avenue F shall be retained as an industrial collector street with right-of-

way commensurate with a secondary highway rural section (86 feet wide) instead of the standard urban section (84 feet wide). Excess right-of-way may be vacated by the applicant to the satisfaction of Public Works.

30. The permittee shall construct improvements on Avenue F commensurate with the secondary highway rural section and submit detailed signing and striping plan to the satisfaction of Public Works.
31. The permittee must acquire street plan approval or direct check status from Public Works before obtaining grading permit.
32. Prior to issuance of building permits, the permittee must execute an Agreement to the satisfaction of the Land Development Division of Public Works for the required street improvements.
33. All major truck traffic destined for the project site, excluding passenger cars and light trucks, shall be directed to use a specific route to access the site. This route shall be consistent with the route required of truck traffic destined for the adjacent Lancaster Landfill, which is as follows: (a) Avenue G from SR-14 on/off ramps to Division Street; and (b) north on Division Street from Avenue G to the project site.
34. Within 180 days following issuance of this grant, the permittee must provide street lights on wood poles with overhead wiring along the property frontage on East Avenue F to the satisfaction of Public Works. The permittee shall submit street lighting plans showing all existing lights as soon as possible to the Street Lighting Section of the Traffic and Lighting Division of Public Works.
35. No later than 90 days after the issuance of this grant, the permittee must apply to the appropriate agency(s) to annex the proposed project or portions of the proposed project which are not within an existing Lighting District.
36. Upon approval of this grant, the permittee shall enter into a secured agreement with the County for the installation of the street lights in the amount of \$4,500. The applicant shall comply with the conditions listed below in order for the Lighting District to pay for the future operation and maintenance of the street lights.
 - a. Request Street Lighting Section to commence annexation and levy of assessment balloting proceedings;
 - b. Provide business/property owners name(s), mailing address(es), site address, Assessor parcel number(s), and parcel boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section; and

- c. Submit a map of the proposed project including any roadways conditioned for street lights to Public Works, Traffic and Lighting Division.

The Board of Supervisors must approve the annexation and levy of assessment prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

37. All street lights in the project, or approved project phase, shall be constructed according to Public Works' approved plans. The contractor shall submit one complete set of As-Built plans. Provided the above conditions are met, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights have been energized and the permittee has requested a transfer of billing at least by January 1 of the previous year.
38. Prior to the operation of the facility, the permittee shall contact the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force to insure compliance with requirements of the Los Angeles County Countywide Integrated Waste Management Plan, as applicable.
39. The waste materials to be accepted and/or processed at the facility shall be limited to source-separated solid waste such as green materials and wood waste. Hazardous waste, liquid waste, medical waste, designated waste, and radioactive waste as defined by state and federal laws and/or regulations are prohibited. The permittee shall not use sewer sludge, bio-solids, hazardous waste, liquid waste, medical waste, radioactive waste, and waste tires as feedstock for the ethanol plant.
40. A Community Advisory Committee ("CAC") shall be created to serve as a liaison between the operator and the community. The CAC shall be appointed by the Supervisor of the Fifth Supervisorial District and shall meet bi-annually for the first two years after issuance of a Certificate of Occupancy for the project, and thereafter as often as deemed appropriate by the CAC. Representatives of the permittee/operator and the County Departments of Public Health, Fire, Public Works, and Regional Planning shall serve as ex-officio members of the CAC.
41. The permittee shall comply with all requirements set forth in the attached Fire Department letter, dated June 3, 2008.
42. The permittee shall comply with all requirements set forth in the attached Department of Public Health letter, dated May 15, 2008.
43. The permittee shall comply with all the mitigation measures set forth in the attached Mitigation Monitoring Program prepared for the project.

44. The permittee shall deposit the sum of \$3,000 with the Department within 30 days following permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

Attachments:

June 3, 2008 Fire Department Letter

May 15, 2008 Department of Public Health Letter

Mitigation Monitoring Program



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: June 3, 2008

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2007-01829

LOCATION: Bluefire Ethanol Biorefinery / 580 East Avenue F, Lancaster

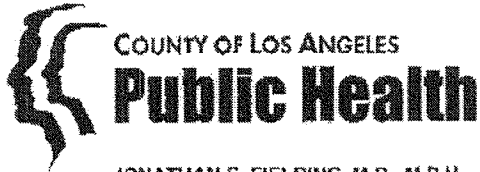
- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☒ The required fire flow for this development is **2500** gallons per minute for **3** hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Verify **1 6" X 4" X 2 1/2"** fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: THIS PROJECT IS CLEARED FOR PUBLIC HEARING BY THE FIRE DEPARTMENT SUBJECT TO THE CONDITIONS BELOW.
- ☒ Location: Verify nearest existing public fire hydrant fronting the property on East Avenue F.
- ☒ Access:
1. Provide a minimum width of 28 feet paved all-weather access clear to sky. The areas where product transfer piping crosses overhead of the drive aisles, an exception shall be permitted by the Fire Department to provide a minimum clear vertical height of 13 feet 6 inches.
 2. Provide a minimum of 32 ft. centerline turning radius on all turns throughout project. Indicate compliance on site plan prior to building permit / Petroleum Chemical Unit clearance.
 3. All gates shall comply with Los Angeles County Fire Department Regulation 5.
 4. Provide a second means of vehicular access from East Avenue F along the westerly property line. This access driveway shall connect to the proposed on-site drive aisle and be a minimum width of 20 feet paved all weather clear to sky.
 5. Per the request of the Operations Bureau, provide a perimeter access road around the Biomass Storage Area. Said access shall provide a minimum paved width of 20 feet clear to sky.
- ☒ Special Requirements:
1. Fire protection for the site will be served by a private on-site fire protection system.
 2. The on-site water supply system may utilize disinfected tertiary treated reclaimed water supplied by the County Sanitation District's Water Reclamation Plant provided that the County of Los Angeles Health Department makes a finding that the use of reclaimed water by responding firefighters will not present a health hazard.
 3. The required fire flow shall be 2500 gpm at 20 psi residual pressure for a duration of 3 hours.
 4. The on-site water tank for private fire protection shall be designed and installed per NFPA 22 and Los Angeles County Fire Department Regulation 7.
 5. The underground fire water mains shall be designed and installed per NFPA 24 and Los Angeles County Fire Department Regulation 8.
 6. The private water supply system shall provide the required volume at the required residual pressure by a fire pump designed and installed per NFPA 20.
 7. The number and location of on-site fire hydrants shall be provided per Regulation 8 to the satisfaction of the Fire Department.

8. All buildings shall be fire sprinklered per NFPA 13 and Los Angeles County Fire Department Regulation 7 and shall be supplied from an independent potable water supply.
9. The Biomass Storage Area and Fuel Storage Areas shall be protected by fixed foam monitors designed, installed and located to the satisfaction of the Fire Department.
10. The Fuel Loading/Unloading area shall be provided with a fixed foam fire protection system.
11. The storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with Chapter 34 of the Los Angeles County Fire Code.
12. There are (12) fire hydrants and (15) 500 gpm monitors proposed by the applicant. The proposed locations may be reviewed and changed in the future by the Fire Prevention Engineering Division.
13. The approval of this CUP does not include the "Future Feedstock" area listed on the Site Plan. This area will require a separate review.
14. Additional improvements will require future Fire Department review.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: **SCOTT JAEGGI** 

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Swati Bhatt, REHS
LAND USE PROGRAM, Chief EHS
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TEL (626) 430-5380 • FAX (626) 813-3016



BOARD OF SUPERVISORS

Gloria Molina
First District

Yvonne S. Burke
Second District

Zev Yaroslavsky
Third District

Don Knebe
Fourth District

Michael D. Antonovich
Fifth District

May 15, 2008

RFS No. 08-0008281

Adam Thurtell
Los Angeles County
Department of Regional Planning
Zoning Permits I Section
320 West Temple Street
Los Angeles, CA 90012

RE: Project No. R2007-01829/RCUP 200700137/RENV200700117
Location: 580 West Avenue F, Roosevelt, CA

The well yield test results and water quality results have been received and reviewed. The Department has issued a conceptual approval for the project with the following conditions:

1. **Prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report, including site inspection by the Department will be completed in accordance with the Los Angeles County Code. Any factors that may influence the efficient operation of the OWTS will be evaluated.**
2. **Public sanitary sewers are not available within 200 feet of any part of the property and the project is dependent upon the use of an Onsite Wastewater Treatment System.**
3. **The applicant is advised, that in the event that the requirements of the plumbing code cannot be met on the property, due to future grading or for any other reason, the County of Los Angeles Department of Public Health will deny issuance of a building permit.**

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4. **Prior to building permit approval**, the applicant shall submit to the Department the laboratory results from a second water quality test. The second water sample shall test for all of the primary inorganic chemicals required by the California Code of Regulations, Title 22, to include perchlorate. Water that exceeds bacteriological limits and/or Maximum Contaminant Levels (MCL) for primary inorganic chemicals shall require treatment in accordance with Department policy and applicable law.

If you have any questions, please contact me at (626) 430-5380



Becky Valenti, E.H.S. IV
Land Use Program

MITIGATION MONITORING PROGRAM
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Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
Traffic All major truck traffic destined for the project site, excluding passenger cars and light trucks, shall be directed to use a specific route to access the site. This route shall be consistent with the route required of truck traffic destined for the adjacent Lancaster Landfill, which is as follows: (a) Avenue G from SR-14 on/off ramps to Division Street and (b) north on Division Street from Avenue G to project site.	Route all major truck traffic destined for the project site, excluding passenger cars and light trucks, to (a) Avenue G from SR-14 on/off ramps to Division Street and (b) north on Division Street from Avenue G to project site.	Life of project.	Applicant	DPW
Fire				
2 Ethanol and denaturant storage tanks shall be protected by a foam-based fire protection system.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior issuance of certificate of occupancy	Applicant	DRP
3 A foam mixing station shall be located within 100 feet of the ethanol and denaturant storage tanks and piped to foam chambers located close to the top of the tanks.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	FD
4 Firewater shall be stored in the fire\potable water storage tank using a potable water standpipe in the tank to assure a minimum amount of firewater storage.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	FD
5 Three fire hydrants with monitors shall be installed in the ethanol storage area.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	FD
6 A firewater loop shall be provided with sub-headers to hydrants, fire hose cabinets and other fire protection equipment.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	FD
7 Three fire hydrants with monitors shall be installed in the ethanol storage area.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP

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8	Underground piping shall be high density polyethylene.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP
9	Above ground piping shall be welded carbon steel.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP
10	The propane tank shall be located in the evaporation pond.	Submit photo depicting propane tank located in tank in the evaporation pond.	Prior to issuance of certificate of occupancy	Applicant	DRP
11	An open head deluge fire protection system shall be installed in the distillation area.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP
12	A dry pipe fire protection system shall be installed in the fermentation alley in the utility buildings.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP
13	A wet pipe fire protection system shall be installed in the fire pump building.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP
14	Smoke detectors shall be installed in the plant electrical buildings.	Submit letter from FD stating that all required fire protection equipment and systems have been installed.	Prior to issuance of certificate of occupancy	Applicant	DRP
15	The applicant shall comply with all mitigation measures and conditions identified in the Fire Department's letter dated March 28, 2008.	Submit letter from FD stating that applicant has complied with all mitigation measures and conditions identified in the Fire Department's letter dated March 28, 2008.	Prior to issuance of certificate of occupancy	Applicant	DRP
Noise					
16	Construction operations that generate stationary noise impacts shall cease between 8:00 p.m. and 7:00 a.m. and all day Sunday and legal holidays.	Cease construction operations that generate stationary noise impacts between 8:00 p.m. and 7:00 a.m. and all day Sunday and legal holidays.	During Construction	Applicant	DRP
Water Quality					
17	The applicant shall submit a Storm Water Quality Plan to the Department of Public Works (DPW) for review and approval prior to issuance of grading permits and comply with NPDES requirement of the Regional Water Quality Control Board (RWQCB) and	Submit a copy of DPW approved Storm Water Quality Plan to the Department of Public Works (DPW). Submit proof of compliance of NPDES requirements to DRP.	Prior to issuance of grading permit.	Applicant	DRP

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	the DPW.				
18	Prior to construction, installation, modification, or removal of underground storage tanks, industrial waste treatment facility or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.	Contact DPW Environmental Programs Division to request approval to construct, modify or remove underground storage tanks, industrial waste treatment facility or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs	Prior to construction, installation, modification, or removal of underground storage tanks, industrial waste treatment facility or disposal facilities, and/or storm water treatment facilities.	Applicant	DPW
19	Prior to development and redevelopment projects which fall into one of the Urban Stormwater Mitigation Plans (SUSMP) project types, characteristics, activities, applicant must contact Public Works' Environmental Programs Division for required approvals and obtain SUSMP approval by the appropriate agency.	Contact DPW Environmental Programs Division to obtain approvals for development and redevelopment projects that fall into one of the Urban Stormwater Mitigation Plans (SUSMP) project types, characteristics or activities.	Prior to developing or redeveloping projects which fall into one of the Urban Stormwater Mitigation Plans (SUSMP) project types, characteristics or activities.	Applicant	DPW
20	Prior to operation of the facility, the applicant shall submit copies of all necessary Regional Water Quality Board permits.	Submit proof that applicant has received all required RWQB permits.	Prior to issuance of certificate of occupancy.	Applicant	DRP
21	Applicant shall comply with all mitigation measures and conditions identified in the Department of Public Health – Environmental Health letter dated May 15, 2008.	Submit clearance letter from DPH stating all mitigation measures and conditions identified in the Department of Public Health – Environmental Health letter dated May 15, 2008 have been complied with.	Prior to issuance of certificate of occupancy.	Applicant	DPH
Air Quality					
22	Feedstock with a moisture level greater than 10% shall be dried through a biomass drier to reduce odor within eight hours of delivery to subject property.	Dry feedstock that has a moisture level greater than 10% through a biomass drier.	Life of project.	Applicant	DRP

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23	Dust collectors shall be installed over grinders, dryers and pneumatic conveyors to reduce odor.	Submit approved site plan and/or floor plan depicting location of grinders, dryers and pneumatic conveyors and photos depicting installation of dust collectors of the equipment.	Prior to issuance of certificate of occupancy.	Applicant	DRP
24	Gypsum shall be removed daily to reduce odor.	Remove gypsum daily.	Life of project.	Applicant	DRP
25	Fermentation vents shall be treated with vent condensers and carbon filters to reduce odor.	Submit site plan and/or floor plan and photos depicting installed fermentation vents with vent condensers and carbon filters.	Prior to issuance of certificate of occupancy.	Applicant	DRP
26	Prior to issuance building permit, applicant shall submit copies of approved Air Quality Management District permits.	Submit copies of approved Air Quality Management District permits.	Prior to issuance of building permit.	Applicant	DRP
Biota					
27	The replacement of the existing live Joshua trees shall be mitigated at a minimum 3:1 ratio.	Submit letter from qualified biologist affirming that three mitigation trees have been planted.	Prior to issuance of building permit.	Applicant/Property Owner	DRP
28	All replacement Joshua trees shall be properly cared for and maintained for a period of seven (7) years and replaced by the applicant, permittee or property owner if mortality or disease occurs within that period.	Submit letter from qualified biologist affirming that mitigation trees are thriving or have been replaced.	Yearly for seven years after the planting of Joshua trees.	Applicant	DRP
29	30 days prior to ground or vegetation disturbance activities applicant shall have a qualified biologist conduct a survey for burrowing owls and submit a report to the Department of Regional Planning. If additional site disturbances take place greater than 30 days after the initial disturbance to the site, an additional burrowing owl survey shall take place prior to the actual start of construction. If evidence of burrowing owls is discovered, ground or vegetation disturbance activities shall not commence without written approval from the Department of	Submit burrowing owl report by qualified biologist.	Prior to ground or vegetation disturbance.	Applicant	DRP

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	Regional Planning.				
30	During initial ground disturbing activities, a biological monitor shall be present to ensure that no special status reptiles, plants or other species are destroyed.	Submit a report by qualified biologist.	Prior to issuance of building permit.	Applicant	DRP
31	Prior to ground disturbing activities, a barrier such as a silt fence shall be placed around the work area to prevent wildlife from entering the site and being destroyed by construction activities. This fence shall be maintained and repaired immediately if damaged during construction.	Submit site plans and photos depicting wildlife protection barriers around the work area.	Prior to ground disturbance and during construction.	Applicant	DRP
32	Project related activities likely to have the potential of disturbing suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a biological monitor acceptable to the Director of Planning surveys the project area prior to disturbance to confirm that disturbance to habitat will not result in the failure of nests on-site or immediately adjacent to the area of disturbance. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat, any action that may cause disruption of nesting behavior such as noise exceeding 90dB from equipment, or direct artificial night lighting.	Submit nesting bird report by a qualified biologist.	During ground disturbance and construction.	Applicant	DRP
	Surveys shall be conducted on the subject property within 300 feet of disturbance areas (500 feet for raptors) no earlier than seven (7) days prior to the commencement of disturbance. If an active nest is discovered on-site or can be reasonably deduced to exist immediately adjacent off-site (in cases where access to adjacent properties is prevented), the project biologist shall demarcate an area to be avoided by construction activity until the				

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	active nest(s) is vacated for the season and there is no evidence of further nesting attempts. This demarcated area will incorporate a buffer area surrounding the active nest that is suitable in size and habitat type to provide a reasonable expectation of breeding success for nesting birds. Limits of avoidance shall be demarcated with flagging or fencing. The project proponent shall record the results of the surveys and recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.				
33	Prior to ground disturbing activities, applicant shall submit proof to the Department of Regional Planning that it has acquired 20 acres of Antelope Valley avian foraging habitat, that a qualified biologist has determined to be of equal or greater value to the project site, and has protected the land in perpetuity by deed restrictions, covenants or other means approved by the Department of Regional Planning.	Submit proof of acquisition of 20 acres of Antelope Valley avian foraging habitat, that a qualified biologist has determined to be of equal or greater value to the project site, and that is protected in perpetuity by deed restrictions, covenants or other means approved by the Department of Regional Planning.	Prior to issuance of grading permit.	Applicant	DRP
34	Prior to ground disturbing activities, botanical survey shall be conducted following the California Native Plant Society's Botanical Survey Guidelines. If Alkali Mariposa Lilies are detected on the project site, impacts should be avoided. If impacts can not be avoided, applicant shall submit proof to the Department of Regional Planning that it has acquired 20 acres of Antelope Valley Alkali Mariposa Lily habitat, that a qualified biologist has determined to be of equal or greater value	Submit botanical survey report and provide proof of compliance of botanical remediation to mitigate impacts.	Prior to issuance of grading permit.	Applicant	DRP

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	to the project site, and has protected the land in perpetuity by deed restrictions, covenants or other means approved by the Department of Regional Planning.				
	Prior to ground disturbing activities, applicant shall submit proof to the Department of Regional Planning that it has consulted with the California Department of Fish and Game (CDFG) regarding potential impacts of the project to the Mohave Ground Squirrel. Applicant may either conduct focused surveys for this species per CDFG's approved methods (January 2003 Guidelines with minor format changes in June 2004) or assume the species' presence. The 20 acres of land to be acquired for Biota Mitigation Measure 6 and/or that to be potentially acquired for Biota Mitigation Measure 7 may be adequate to mitigate the project's potential impacts to the Mohave Ground Squirrel, but this determination would have to be made by CDFG during the required consultation.	Submit proof that Fish and Game has determined potential impacts to the Mohave Ground Squirrel have been adequately mitigated.	Prior to ground disturbance and issuance of grading permit.	Applicant	DRP
35					
Archaeological/Historical/Paleontological					
36	Work in the area shall be temporarily halted or redirected and a qualified archaeologist notified to evaluate cultural finds if previously unrecorded archaeological materials are identified during construction grading.	Submit archaeological monitoring report.	Prior to issuance of certificate of occupancy.	Applicant	DRP
Utilities/Other Services					
37	Prior to issuance of a building permit, applicant shall submit a Findings of Conformance from the Los Angeles County Integrated Waste Management Task Force.	Submit a copy of Findings of Conformance Report from the Los Angeles County Integrated Waste Management Task Force.	Prior to issuance of a building permit.	Applicant	DRP

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General				
38	Prior to issuance of building permit applicant shall submit a recycling plan to the Department of Public Works.	Submit copy of DPW approved recycling plan.	Prior to issuance of a building permit.	DPW
39	Site plans and floor plans shall clearly depict recyclables transfer and storage areas	Submit copies of approved site plans and/or floor plans depicting recyclables transfer and storage areas.	Prior to issuance of building permit.	DPW
40	Prior to processing, a magnetic separator shall be used to remove metals from the feedstock material.	Remove metals from the feedstock material.	Life of project.	DRP
41	Prior to processing, polyethylene containments shall be removed from the feedstock material.	Remove polyethylene containments from feedstock.	Life of project.	DRP
42	The perimeter of the facility shall be fenced to catch windblown litter.	Submit photos depicting litter prevention fencing.	Life of project.	DRP
43	Portable windcreens shall be placed around feedstock storage piles to prevent windblown litter.	Place portable windcreens around feedstock storage piles.	Life of project.	DRP
44	Feedstock piles shall be covered with tarp and secured to prevent windblown litter.	Cover and secure feedstock piles with tarp.	Life of project.	DRP
Environmental Safety				
45	All hazardous liquid chemical storage and loading/unloading areas shall be surrounded by monitored curbs or dikes to contain leaks or spills.	Submit approved site plans and/or floor plans depicting location of hazardous liquid chemical storage and loading/unloading areas and photos depicting curbs or dikes in those areas.	Prior to issuance of certificate of occupancy.	DRP
46	Separate containment areas shall be provided for acids, fuels, and bases.	Submit approved site plans and/or floor plans depicting location of containment areas for acids, fuels, and bases and photos of those areas.	Prior to issuance of certificate of occupancy.	DRP
47	Safety showers and eyewash stations shall be installed in all chemical areas.	Submit approved site plans and/or floor plans depicting location of chemical areas and photos of eyewash stations installed in those areas.	Prior to issuance of certificate of occupancy.	DRP
48	Factory mutual standards hose connections shall be installed near chemical storage areas to flush spills and leaks to the neutralization facility.	Submit approved site plans and/or floor plans depicting location of factory mutual standards hose connections and photos of installed hose connections.	Prior to issuance of certificate of occupancy.	DRP

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49	Neutralized spills or leaks shall be collected for waste disposal in an approved facility.	Neutralize and collect spills and leaks and dispose in an approved facility.	Life of project.	Applicant	DRP
50	Vapor releases shall be routed to recovery systems.	Submit approved site plans and/or floor plans depicting location of vapor recovery systems and photos of installed vapor recovery systems.	Prior to issuance of certificate of occupancy.	Applicant	DRP
51	Prior to issuance of building permit, applicant must receive DPW approval of building plans that depict the installation of membranes under the pads of enclosed buildings to block gas migration from the adjacent landfill.	Submit DPW approved building plans building plans that depict gas blocking membranes under the pads of enclosed buildings.	Prior to issuance of building permit	Applicant	DRP
52	Prior to operation, the facility shall be inspected and evaluated by the Fire Department Health and Hazardous Materials Division for proper storage and handling of hazardous materials.	Submit letter from FD stating that all hazardous material have been stored properly.	Prior to issuance of certificate of occupancy.	Applicant	DRP
53	Prior to operation, the applicant shall obtain all necessary permits from Fire Department Health and Hazardous Materials Division.	Submit letter from FD stating that all necessary permits have been obtained.	Prior to issuance of certificate of occupancy.	Applicant	DRP
54	Ash material shall be tested at least quarterly for Total Toxicity Limit Concentrations, Soluble Toxicity Limit Concentrations, Toxicity Characteristic Leaching Procedure and Pollutant Characterization to ensure that it does not contain hazardous materials.	Submit clearance from FD Hazardous Materials Division that ash material is non-toxic or that it has been disposed of at a facility approved to accept hazardous materials.	Quarterly for life of project.	Applicant	DRP
Mitigation Compliance					
56	As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting compliance report to the Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such as all mitigation measures have been implemented and completed.	Submittal and approval of compliance report and replenishing mitigation monitoring account	Yearly and as required until all measures are completed.	Applicant and subsequent owner(s)	DRP